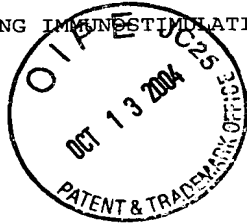


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: KAASTRUP, Peter
 Serial No.: 09/822,873
 Filed: April 2, 2001
 For: VACCINE CHIP TECHNOLOGY EXPLOITING IMMUNESTIMULATING...
 Confirmation No.: 7206

Art Unit: 1644
 Examiner: SCHWADRON, R.
 Washington, D.C.
 Atty.'s Docket: KAASTRUP=1A
 Date: October 13, 2004

U.S. Patent and Trademark Office
 2011 South Clark Place
 Customer Window
 Crystal Plaza Two, Lobby, Room 1B03
 Arlington, Virginia 22202
 Sir:



10/15/2004 GWORDOF1 00000033 09822873
 01 FC:2252 215.00 OP

Transmitted herewith is an ☐ Amendment ☒ Election with Traverse in the above-identified application.
☐ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
☒ Small entity status of this application under 37 CFR 1.9 and 1.27 has been previously asserted.
☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
☐ No additional fee is required.

The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)		Small Entity		Other Than a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For		Present Extra		Rate		Additional Fee
Total		Minus		0		x 9	\$	x18	\$
Indep.		Minus		0		x44	\$	x88	\$
First Presentation of Multiple Dependent Claim						150	\$	+300	\$
TOTAL ADDITIONAL CLAIMS FEE							\$	Total	\$

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col.1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time
 If any extension of time for a response is required applicant requests that this be considered a petit

☒ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity		Other Than Small Entity	
Response Filed Within		Response Filed Within	
<input type="checkbox"/> First	- \$ 55.00	<input type="checkbox"/> First	- \$ 110.00
<input checked="" type="checkbox"/> Second	- \$ 215.00	<input type="checkbox"/> Second	- \$ 430.00
<input type="checkbox"/> Third	- \$ 490.00	<input type="checkbox"/> Third	- \$ 980.00
<input type="checkbox"/> Fourth	- \$ 765.00	<input type="checkbox"/> Fourth	- \$1530.00
<input type="checkbox"/> Fifth	- \$1040.00	<input type="checkbox"/> Fifth	- \$2080.00

☐ Less fees (\$) already paid for months extension of time on .

☐ Please charge my Deposit Account No. 02-4035 in the amount of \$. A duplicate copy of this sheet is attached.

☐ A check in the amount of \$ is attached (check no.).

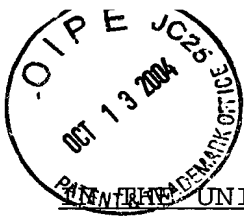
☒ Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$215.00 is attached.

☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR Section 1.16 and all patent processing fees under 37 CFR Section 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR Section 1.18.

BROWDY AND NEIMARK, P.L.L.C.
 Attorneys for Applicant(s)

Facsimile: (202) 737-3528
 Telephone: (202) 628-5197

By:
 IVER P. COOPER
 Registration No. 28,005



UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Art Unit: 1644
KAASTRUP, et al.)	Examiner: SCHWADRON, R.
Serial No.: 09/822,873)	Washington, D.C.
Filed: April 2, 2001)	October 13, 2004
For: VACCINE CHIP TECHNOLOGY)	Docket No.: KAASTRUP=1A
EXPLOITING IMMUNO-)	
STIMULATING FRAGMENT...)	Confirmation No.: 7206

ELECTION WITH TRAVERSE

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

S i r :

1. In response to the restriction requirement mailed July 13, Applicants elect group I (claims 1-53, 56) with traverse.

The restriction is traversed on the basis of MPEP 821.04, the product claims of group I being allowable, and the method of use claims being dependent thereon.

2. In response to the species restriction (A) (pertaining to TGF-beta peptides), applicants elect SEQ ID NO:1 with traverse.

The species restriction is traversed on the ground that generic claims are allowable. Of the group I claims, 1-5, 21-53 and 56 read upon the elected species SEQ ID NO:1.

3. In response to species restriction (B) (a composition of claims 27-50), applicants elect the composition of claim 32 with traverse. The traversal is first on the ground that generic claims are allowable.

Secondly, while the Examiner treats claims 27-50 as if they define different compositions, only a few are mutually exclusive. Claims 32-50 all require a carrier, and 27-31 do not exclude one.

The elected species, that of claim 32, is the composition comprising a carrier. None of the claims expressly exclude a carrier. Hence all of the group I claims are readable upon

USSN - 09/822,873

species (B).

In claim 33, the carrier is mandatory and in 28 it is permissive, but 28 and 33 define the same relationship between the fragment and the determinant.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By: 

Iver P. Cooper
Reg. No. 28,005

624 Ninth Street, N.W.
Washington, D.C. 20001
Telephone: (202) 628-5197
Facsimile: (202) 737-3528
IPC:lms
G:\ipc\g-i\hoib\Kaastrup1A\pto election.wpd